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FORM**

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Total Number of Pages in This Submission

7

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|------------------------|--------------------|
| Application Number | 10/044,268 |
| Filing Date | 01/08/2002 |
| First Named Inventor | Leu et al. |
| Art Unit | 2872 |
| Examiner Name | Joshua L Pritchett |
| Attorney Docket Number | |

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
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Remarks

This submission is to supplement the filing of Reply Brief to Examiner's Answer on 06/20/2005 wherein only one copy was submitted, and this submission includes two additional copies for completeness.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--|----------|--------|
| Firm Name | Wei Te Chung (Foxconn International, Inc.) | | |
| Signature | | | |
| Printed name | Wei Te Chung | | |
| Date | Jun 22 2005 | Reg. No. | 43,325 |

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AF/2872
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------------|---|----------------------|
| Applicant: |) | Examiner: |
| Leu et al. |) | Joshua L Pritchett |
| |) | |
| Serial No: 10/044,268 |) | Group Art Unit: 2872 |
| |) | |
| Filed: 01/08/2002 |) | Dated: June 20, 2005 |
| |) | |
| For: INDIUM-TIN OXIDE THIN FILM |) | |
| FILTER FOR DENSE WAVELENGTH |) | |
| DIVISION MULTIPLEXING |) | |

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Wei Te Chung

REPLY BRIEF TO EXAMINER'S ANSWER

Assistant Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's point (1) Real Party In Interest, it is confirmed that the assignment recorded at Reel 012484, Frame 0477 transferred ownership of the application to Hon Hai Precision Ind. Col, Ltd., as clearly stated in the original appeal brief filed on 02/18/2004 while inadvertently missing in the supplemental appeal brief filed 09/13/2004.

The Examiner asserts that the motivation to combine the two prior art references does not have to be the same as the applicant's reason (page 9, lines 6-7). Anyhow, Applicant can not see the clear reason/basis of the Examiner regarding what kinds of motivations/suggestions indicated by the references or the skilled person, which will lead such a combination. The probabilities/possibilities should not be the rejection basis.

The Examiner asserts that the unexpected result cannot be established unless being based upon an affidavit under 37 C.F.R. 1.132 (page 12, lines 4-5). Applicant believes that **“using the less number of film layers for reducing the internal stress while achieving the high isolation/filtering”** clearly contradicts the skilled person's thought regardless of whether such an affidavit is filed or not. None of the cited references or official notices mentions/implies such a phenomenon.

The Examiner asserts that if a limitation is not present in the claims the examiner would be improper to read such limitation into the claims absent any means plus function language as stated under 35 U.S.C. 112 sixth paragraph (page 11, lines 18-20). Anyhow, reduction of internal stress is a result derived from the claimed structure. The point is regarding whether the structure is an obvious combination of the references rather than the function language is cited or not.

The Examiner implies that Applicant did not submit the affidavit stating the resulted product are not inherent in the materials taught by the prior art of record. Anyhow, the point is regarding whether the claimed structure is an obvious combination rather than how the inherent characters of such structure performs.

Appeal No. 2005-0532 states “It is well settled that the mere fact that prior art may be modified to reflect features of the claimed invention does not make the modification obvious unless the desirability of such modification is suggested by

the prior art. *Our reviewing court has repeatedly cautioned against employing hindsight by using the appellant's disclosure as blueprint to reconstruct the claimed invention from the isolated teachings of the prior art."*

On the other hand, claim 11 further defines the specific layer number and the refractive index for optimizing the invention. No of the references suggest or imply such a combination. Applicant believes that the possible combination without indicating any purpose from the random references should not be the effective material to deprecate this invention.

Respectfully submitted,
Charles Leu et al

By 
Wei Te Chung

Registration No. 43,325
Foxconn International, Inc.
P.O. Address: 1650 Memorex Drive, Santa Clara, CA 95050
Tel. No.: (408) 919-6137